

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

NO. 3-20-MC-25

**STANDING ORDER APPOINTING FEDERAL PUBLIC DEFENDER
FOR POTENTIAL SENTENCE REDUCTIONS UNDER 18 U.S.C. § 3582(c) DUE
TO RETROACTIVE CRIMINAL HISTORY GUIDELINE AMENDMENT**

On August 24, 2023, the United States Sentencing Commission made retroactive effective November 1, 2023, the application of Parts A and B, Subpart 1, of Guideline Amendment 821. *See* U.S. Sent’g Guidelines Manual app. C., amend. 825 (U.S. Sent’g Comm’n 2023); U.S. Sent’g Guidelines Manual § 1B1.10 (U.S. Sent’g Comm’n 2023). Part A addresses Guideline § 4A1.1 status points, decreasing them by one point for individuals with seven or more criminal history points and eliminating status points for those with six or fewer criminal history points. Part B’s subpart 1 creates a new § 4C1.1 guideline that provides a decrease of two offense levels for “Zero-Point Offenders”—those with no criminal history points—whose offense did not involve specified aggravating factors.

In the interest of applying the retroactive amendment fairly, expeditiously, and without undue expenditure of judicial resources, the Federal Public Defender is APPOINTED to represent any defendant potentially eligible for a sentence reduction under 18 U.S.C. § 3582(c) based on the retroactive application of Parts A and B, Subpart 1, of Guideline Amendment No. 821 and Policy Statement § 1B1.10. This standing order does not extend to a defendant (1) who has retained counsel or been appointed other counsel to pursue such reduction, (2) who is not financially eligible for appointment of counsel under 18 U.S.C. § 3006A, or (3) whose case presents a conflict preventing the Federal Public Defender from acting on such defendant’s behalf. The Federal Public Defender’s appointment under this standing order will terminate upon the district court’s ruling, unless otherwise ordered by the Court.

The United States Probation Office is authorized to disclose to the Federal Public Defender's Office and the United States Attorney's Office such defendant's presentence investigation report(s), judgment(s), and statement(s) of reasons.

The Office of the Clerk of Court of the Northern District of Mississippi is authorized to disclose to the Federal Public Defender's Office and the United States Attorney's Office documents from such defendant's case file not otherwise available through the Public Access to Court Electronic Records ("PACER") service to determine the defendant's eligibility, the extent of relief, and conflicts, including Guideline § 5K1.1 motions and orders, Federal Rule of Criminal Procedure 35 motions and orders, plea agreements, charging documents, 18 U.S.C. § 851 notices of enhancement, verdicts, and 28 U.S.C. § 2255 motions. The Federal Public Defender's Office may not disclose these materials except to subsequently appointed counsel, unless otherwise ordered by the Court.

SO ORDERED, this 1st day of November, 2023.



DEBRA M. BROWN
CHIEF DISTRICT JUDGE